



# House of Representatives

General Assembly

**File No. 394**

February Session, 2012

Substitute House Bill No. 5432

*House of Representatives, April 12, 2012*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING SCHOOL-BASED ARRESTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-220 of the 2012 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2013*):

4 (a) Each local or regional board of education shall maintain good  
5 public elementary and secondary schools, implement the educational  
6 interests of the state as defined in section 10-4a and provide such other  
7 educational activities as in its judgment will best serve the interests of  
8 the school district; provided any board of education may secure such  
9 opportunities in another school district in accordance with provisions  
10 of the general statutes and shall give all the children of the school  
11 district as nearly equal advantages as may be practicable; shall provide  
12 an appropriate learning environment for its students which includes  
13 (1) adequate instructional books, supplies, materials, equipment,  
14 staffing, facilities and technology, (2) equitable allocation of resources  
15 among its schools, (3) proper maintenance of facilities, and (4) a safe

16 school setting; shall, in accordance with the provisions of subsection (f)  
17 of this section, maintain records of allegations, investigations and  
18 reports that a child has been abused or neglected by a school  
19 employee, as defined in section 53a-65, employed by the local or  
20 regional board of education; shall have charge of the schools of its  
21 respective school district; shall make a continuing study of the need for  
22 school facilities and of a long-term school building program and from  
23 time to time make recommendations based on such study to the town;  
24 shall adopt and implement an indoor air quality program that  
25 provides for ongoing maintenance and facility reviews necessary for  
26 the maintenance and improvement of the indoor air quality of its  
27 facilities; shall adopt and implement a green cleaning program,  
28 pursuant to section 10-231g, that provides for the procurement and use  
29 of environmentally preferable cleaning products in school buildings  
30 and facilities; on and after July 1, 2011, and triennially thereafter, shall  
31 report to the Commissioner of Education on the condition of its  
32 facilities and the action taken to implement its long-term school  
33 building program, indoor air quality program and green cleaning  
34 program, which report the Commissioner of Education shall use to  
35 prepare a triennial report that said commissioner shall submit in  
36 accordance with section 11-4a to the joint standing committee of the  
37 General Assembly having cognizance of matters relating to education;  
38 shall advise the Commissioner of Education of the relationship  
39 between any individual school building project pursuant to chapter  
40 173 and such long-term school building program; shall have the care,  
41 maintenance and operation of buildings, lands, apparatus and other  
42 property used for school purposes and at all times shall insure all such  
43 buildings and all capital equipment contained therein against loss in  
44 an amount not less than eighty per cent of replacement cost; shall  
45 determine the number, age and qualifications of the pupils to be  
46 admitted into each school; shall develop and implement a written plan  
47 for minority staff recruitment for purposes of subdivision (3) of section  
48 10-4a; shall employ and dismiss the teachers of the schools of such  
49 district subject to the provisions of sections 10-151 and 10-158a; shall  
50 designate the schools which shall be attended by the various children

51 within the school district; shall make such provisions as will enable  
52 each child of school age residing in the district to attend some public  
53 day school for the period required by law and provide for the  
54 transportation of children wherever transportation is reasonable and  
55 desirable, and for such purpose may make contracts covering periods  
56 of not more than five years; shall adopt and implement a policy  
57 regarding the role and responsibility of any sworn police officer of a  
58 local law enforcement agency or a sworn officer of the Division of State  
59 Police within the Department of Emergency Services and Public  
60 Protection who has been assigned to any school pursuant to an  
61 agreement between the local or regional board of education and the  
62 chief of police of a local law enforcement agency or the commanding  
63 officer of the Division of State Police; may place in an alternative  
64 school program or other suitable educational program a pupil  
65 enrolling in school who is nineteen years of age or older and cannot  
66 acquire a sufficient number of credits for graduation by age twenty-  
67 one; may arrange with the board of education of an adjacent town for  
68 the instruction therein of such children as can attend school in such  
69 adjacent town more conveniently; shall cause each child five years of  
70 age and over and under eighteen years of age who is not a high school  
71 graduate and is living in the school district to attend school in  
72 accordance with the provisions of section 10-184, and shall perform all  
73 acts required of it by the town or necessary to carry into effect the  
74 powers and duties imposed by law.

75 (b) The board of education of each local or regional school district  
76 shall, with the participation of parents, students, school administrators,  
77 teachers, citizens, local elected officials and any other individuals or  
78 groups such board shall deem appropriate, prepare a statement of  
79 educational goals for such local or regional school district. The  
80 statement of goals shall be consistent with state-wide goals pursuant to  
81 subsection (c) of section 10-4. Each local or regional board of education  
82 shall annually establish student objectives for the school year which  
83 relate directly to the statement of educational goals prepared pursuant  
84 to this subsection and which identify specific expectations for students  
85 in terms of skills, knowledge and competence.

86 (c) Annually, each local and regional board of education shall  
87 submit to the Commissioner of Education a strategic school profile  
88 report for each school under its jurisdiction and for the school district  
89 as a whole. The superintendent of each local and regional school  
90 district shall present the profile report at the next regularly scheduled  
91 public meeting of the board of education after each November first.  
92 The profile report shall provide information on measures of (1) student  
93 needs, (2) school resources, including technological resources and  
94 utilization of such resources and infrastructure, (3) student and school  
95 performance, including truancy and discipline, (4) the number of  
96 students enrolled in an adult high school credit diploma program,  
97 pursuant to section 10-69, operated by a local or regional board of  
98 education or a regional educational service center, (5) equitable  
99 allocation of resources among its schools, (6) reduction of racial, ethnic  
100 and economic isolation, [and] (7) special education, and (8) for any  
101 profile report prepared on or after July 1, 2014, school-based arrests.  
102 For purposes of this subsection, measures of special education include  
103 (A) special education identification rates by disability, (B) rates at  
104 which special education students are exempted from mastery testing  
105 pursuant to section 10-14q, (C) expenditures for special education,  
106 including such expenditures as a percentage of total expenditures, (D)  
107 achievement data for special education students, (E) rates at which  
108 students identified as requiring special education are no longer  
109 identified as requiring special education, (F) the availability of  
110 supplemental educational services for students lacking basic  
111 educational skills, (G) the amount of special education student  
112 instructional time with nondisabled peers, (H) the number of students  
113 placed out-of-district, and (I) the actions taken by the school district to  
114 improve special education programs, as indicated by analyses of the  
115 local data provided in subparagraphs (A) to (H), inclusive, of this  
116 subdivision. The superintendent shall include in the narrative portion  
117 of the report information about parental involvement and if the district  
118 has taken measures to improve parental involvement, including, but  
119 not limited to, employment of methods to engage parents in the  
120 planning and improvement of school programs and methods to

121 increase support to parents working at home with their children on  
122 learning activities. For purposes of this subsection, measures of  
123 truancy include the type of data that is required to be collected by the  
124 Department of Education regarding attendance and unexcused  
125 absences in order for the department to comply with federal reporting  
126 requirements and the actions taken by the local or regional board of  
127 education to reduce truancy in the school district. Such truancy data  
128 shall be considered a public record for purposes of chapter 14. For  
129 purposes of this subsection, "school-based arrest" means an arrest of a  
130 student, who is enrolled in a school under the jurisdiction of the local  
131 or regional board of education preparing the strategic school profile  
132 report, on school property during the school day, or an arrest of such  
133 student at a school-sponsored activity conducted on or off school  
134 property. For purposes of this subsection, measures of school-based  
135 arrests shall include the number of arrests made annually at each  
136 school within the school district. The measures of school-based arrests  
137 shall be disaggregated by race, ethnicity, gender, age, whether the  
138 student is a recipient of special education services, whether the student  
139 is an English language learner, and the offenses for which the school-  
140 based arrests were made, provided any disaggregated measure that  
141 relates to the arrest of one to five students shall be reported through  
142 use of a symbol.

143 (d) Prior to January 1, 2008, and every five years thereafter, for  
144 every school building that is or has been constructed, extended,  
145 renovated or replaced on or after January 1, 2003, a local or regional  
146 board of education shall provide for a uniform inspection and  
147 evaluation program of the indoor air quality within such buildings,  
148 such as the Environmental Protection Agency's Indoor Air Quality  
149 Tools for Schools Program. The inspection and evaluation program  
150 shall include, but not be limited to, a review, inspection or evaluation  
151 of the following: (1) The heating, ventilation and air conditioning  
152 systems; (2) radon levels in the air; (3) potential for exposure to  
153 microbiological airborne particles, including, but not limited to, fungi,  
154 mold and bacteria; (4) chemical compounds of concern to indoor air  
155 quality including, but not limited to, volatile organic compounds; (5)

156 the degree of pest infestation, including, but not limited to, insects and  
 157 rodents; (6) the degree of pesticide usage; (7) the presence of and the  
 158 plans for removal of any hazardous substances that are contained on  
 159 the list prepared pursuant to Section 302 of the federal Emergency  
 160 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8)  
 161 ventilation systems; (9) plumbing, including water distribution  
 162 systems, drainage systems and fixtures; (10) moisture incursion; (11)  
 163 the overall cleanliness of the facilities; (12) building structural  
 164 elements, including, but not limited to, roofing, basements or slabs;  
 165 (13) the use of space, particularly areas that were designed to be  
 166 unoccupied; and (14) the provision of indoor air quality maintenance  
 167 training for building staff. Local and regional boards of education  
 168 conducting evaluations pursuant to this subsection shall make  
 169 available for public inspection the results of the inspection and  
 170 evaluation at a regularly scheduled board of education meeting and on  
 171 the board's or each individual school's web site.

172 (e) Each local and regional board of education shall establish a  
 173 school district curriculum committee. The committee shall  
 174 recommend, develop, review and approve all curriculum for the local  
 175 or regional school district.

176 (f) Each local and regional board of education shall maintain in a  
 177 central location all records of allegations, investigations and reports  
 178 that a child has been abused or neglected by a school employee, as  
 179 defined in section 53a-65, employed by the local or regional board of  
 180 education, conducted pursuant to sections 17a-101a to 17a-101d,  
 181 inclusive, and section 17a-103. Such records shall include any reports  
 182 made to the Department of Children and Families. The Department of  
 183 Education shall have access to such records.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	10-220

***Statement of Legislative Commissioners:***

In section 1(a), the reference to "Department of Emergency Services Public Protection" was changed to "Department of Emergency Services and Public Protection" for accuracy.

**JUD**      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill requires local and regional school boards to implement a policy defining the role and responsibility of sworn police officers placed in schools; this is not anticipated to result in a fiscal impact as school boards have the capacity to implement such policy.

Additionally, the bill requires local and regional school boards to provide information on school based arrests in their annual strategic school profile. This is not anticipated to result in a fiscal impact as schools are already required to produce the annual report.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None



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**OLR Bill Analysis****sHB 5432*****AN ACT CONCERNING SCHOOL-BASED ARRESTS.*****SUMMARY:**

This bill requires:

1. local and regional boards of education to adopt and implement a policy defining the role and responsibility of sworn police officers placed in schools by agreement between the school board and highest local or state law enforcement official and
2. each board's annual "strategic school profile reports" for each school and district as a whole to include measures of (a) discipline (which the bill does not define) and (b) beginning with the first reports issued after July 1, 2014, school-based arrests.

EFFECTIVE DATE: July 1, 2013

**SCHOOL-BASED ARRESTS**

The bill defines a "school-based arrest" as the arrest on school property during the school day or at a school-sponsored activity on or off school property, of a student enrolled in a school under the jurisdiction of the local or regional reporting board.

The bill's measures of school-based arrests include the number of arrests made annually at each school within the district, disaggregated by:

1. race,
2. ethnicity,
3. gender,

4. age,
5. whether the student receives special education services,
6. whether the student is an English language learner, and
7. the offenses for which the arrests were made.

The bill requires that any disaggregated measure relating to the arrest of fewer than six students be reported using a “symbol.” It is unclear how this directive is to be implemented, but presumably, a report would protect student confidentiality in a disaggregated measure that included small student numbers.

## **BACKGROUND**

### ***Strategic School Profile Reports***

Strategic profile reports generally measure school performance in areas such as student needs, school resources, student and school performance (including truancy), and provision of special education services. Districts must issue reports for each school in the district and the district as a whole.

In addition to being submitted annually to the education commissioner of each superintendent must present the reports at the board of education’s next regularly scheduled public meeting after each November 1<sup>st</sup>.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 28      Nay 14      (03/26/2012)